

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**SUBBARAYAN KRISHNAN, M.D.**

**Physician's and Surgeon's  
Certificate No. A54481**

**Respondent**

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**Case No. 800-2016-021429**

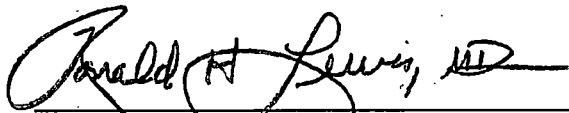
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 20, 2019.**

**IT IS SO ORDERED: May 21, 2019.**

**MEDICAL BOARD OF CALIFORNIA**



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**Ronald Lewis, M.D., Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
4 State Bar No. 253172  
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8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 800-2016-021429

15 **SUBBARAYAN KRISHNAN, M.D.**  
16 **1031 E. Latham Ave., Ste. 3**  
**Hemet, CA 92543**

OAH No. 2018080374

17 **Physician's and Surgeon's Certificate**  
18 **No. A 54481**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19 Respondent.

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn,  
27 Deputy Attorney General.

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2. Respondent Subbarayan Krishnan, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road Irvine, California 92620.

3. On or about August 9, 1995, the Board issued Physician's and Surgeon's Certificate No. A 54481 to Subbarayan Krishnan, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-021429, and will expire on May 31, 2019, unless renewed.

## JURISDICTION

4. On July 24, 2018, Accusation No. 800-2016-021429 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 24, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-021429 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 800-2016-021429. Respondent has also carefully read, fully discussed with counsel, fully and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
4 No. 800-2016-021429 and that he has thereby subjected his license to disciplinary action.

5 10. Respondent agrees that if he ever petitions for early termination or modification of  
6 probation, or if the Board ever petitions for revocation of probation, all of the charges and  
7 allegations contained in Accusation No. 800-2016-021429 shall be deemed true, correct and fully  
8 admitted by respondent for purposes of that proceeding or any other licensing proceeding  
9 involving respondent in the State of California

10 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
11 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
12 Disciplinary Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Medical Board of California.  
15 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
16 Board of California may communicate directly with the Board regarding this stipulation and  
17 settlement, without notice to or participation by Respondent or his counsel. By signing the  
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
20 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
22 action between the parties, and the Board shall not be disqualified from further action by having  
23 considered this matter.

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14. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 54481 issued to Respondent Subbarayan Krishnan, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for thirty-five (35) months from the effective date of the decision on the following terms and conditions.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

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2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. CLINICAL COMPETENCE ASSESSMENT PROGRAM. Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a clinical competence assessment program approved in advance by the Board or its designee. Respondent shall successfully complete the program not later than six (6) months after Respondent's initial enrollment unless the Board or its designee agrees in writing to an extension of that time.

The program shall consist of a comprehensive assessment of Respondent's physical and mental health and the six general domains of clinical competence as defined by the Accreditation Council on Graduate Medical Education and American Board of Medical Specialties pertaining to Respondent's current or intended area of practice. The program shall take into account data obtained from the pre-assessment, self-report forms and interview, and the Decision(s), Accusation(s), and any other information that the Board or its designee deems relevant. The

1 program shall require Respondent's on-site participation for a minimum of three (3) and no more  
2 than five (5) days as determined by the program for the assessment and clinical education  
3 evaluation. Respondent shall pay all expenses associated with the clinical competence  
4 assessment program.

5 At the end of the evaluation, the program will submit a report to the Board or its designee  
6 which unequivocally states whether the Respondent has demonstrated the ability to practice  
7 safely and independently. Based on Respondent's performance on the clinical competence  
8 assessment, the program will advise the Board or its designee of its recommendation(s) for the  
9 scope and length of any additional educational or clinical training, evaluation or treatment for any  
10 medical condition or psychological condition, or anything else affecting Respondent's practice of  
11 medicine. Respondent shall comply with the program's recommendations.

12 Determination as to whether Respondent successfully completed the clinical competence  
13 assessment program is solely within the program's jurisdiction.

14 4. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this  
15 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice  
16 monitor, the name and qualifications of one or more licensed physicians and surgeons whose  
17 licenses are valid and in good standing, and who are preferably American Board of Medical  
18 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal  
19 relationship with Respondent, or other relationship that could reasonably be expected to  
20 compromise the ability of the monitor to render fair and unbiased reports to the Board, including  
21 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree  
22 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

23 The Board or its designee shall provide the approved monitor with copies of the Decision(s)  
24 and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the  
25 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed  
26 statement that the monitor has read the Decision(s) and Accusation(s), fully understands the role  
27 of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees  
28 with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with the

1 signed statement for approval by the Board or its designee.

2 Within 60 calendar days of the effective date of this Decision, and continuing throughout  
3 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall  
4 make all records available for immediate inspection and copying on the premises by the monitor  
5 at all times during business hours and shall retain the records for the entire term of probation.

6 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective  
7 date of this Decision, Respondent shall receive a notification from the Board or its designee to  
8 cease the practice of medicine within three (3) calendar days after being so notified. Respondent  
9 shall cease the practice of medicine until a monitor is approved to provide monitoring  
10 responsibility.

11 The monitor(s) shall submit a quarterly written report to the Board or its designee which  
12 includes an evaluation of Respondent's performance, indicating whether Respondent's practices  
13 are within the standards of practice of medicine and whether Respondent is practicing medicine  
14 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure  
15 that the monitor submits the quarterly written reports to the Board or its designee within 10  
16 calendar days after the end of the preceding quarter.

17 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of  
18 such resignation or unavailability, submit to the Board or its designee, for prior approval, the  
19 name and qualifications of a replacement monitor who will be assuming that responsibility within  
20 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60  
21 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a  
22 notification from the Board or its designee to cease the practice of medicine within three (3)  
23 calendar days after being so notified. Respondent shall cease the practice of medicine until a  
24 replacement monitor is approved and assumes monitoring responsibility.

25 In lieu of a monitor, Respondent may participate in a professional enhancement program  
26 approved in advance by the Board or its designee that includes, at minimum, quarterly chart  
27 review, semi-annual practice assessment, and semi-annual review of professional growth and  
28 education. Respondent shall participate in the professional enhancement program at Respondent's



1 expense during the term of probation.

2 5. NOTIFICATION Within seven (7) days of the effective date of this Decision, the  
3 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
4 Chief Executive Officer at every hospital where privileges or membership are extended to  
5 Respondent, at any other facility where Respondent engages in the practice of medicine,  
6 including all physician and locum tenens registries or other similar agencies, and to the Chief  
7 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
8 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
9 calendar days.

10 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

11 6. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
12 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
13 advanced practice nurses.

14 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
15 governing the practice of medicine in California and remain in full compliance with any court  
16 ordered criminal probation, payments, and other orders.

17 8. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
18 under penalty of perjury on forms provided by the Board, stating whether there has been  
19 compliance with all the conditions of probation.

20 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
21 of the preceding quarter.

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1        9.    GENERAL PROBATION REQUIREMENTS.

2        Compliance with Probation Unit

3        Respondent shall comply with the Board's probation unit.

4        Address Changes

5        Respondent shall, at all times, keep the Board informed of Respondent's business and  
6        residence addresses, email address (if available), and telephone number. Changes of such  
7        addresses shall be immediately communicated in writing to the Board or its designee. Under no  
8        circumstances shall a post office box serve as an address of record, except as allowed by Business  
9        and Professions Code section 2021(b).

10       Place of Practice

11       Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
12       of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
13       facility.

14       License Renewal

15       Respondent shall maintain a current and renewed California physician's and surgeon's  
16       license.

17       Travel or Residence Outside California

18       Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
19       areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
20       (30) calendar days.

21       In the event Respondent should leave the State of California to reside or to practice,  
22       Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
23       departure and return.

24       10.   INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
25       available in person upon request for interviews either at Respondent's place of business or at the  
26       probation unit office, with or without prior notice throughout the term of probation. :

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11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards's Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations.

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1           12. COMPLETION OF PROBATION. Respondent shall comply with all financial  
2 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
3 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
4 be fully restored.

5           13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
6 of probation is a violation of probation. If Respondent violates probation in any respect, the  
7 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
8 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
9 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
10 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
11 the matter is final.

12           14. LICENSE SURRENDER. Following the effective date of this Decision, if  
13 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
14 the terms and conditions of probation, Respondent may request to surrender his or her license.  
15 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
16 determining whether or not to grant the request, or to take any other action deemed appropriate  
17 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
18 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
19 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
20 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
21 application shall be treated as a petition for reinstatement of a revoked certificate.

22           15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
23 with probation monitoring each and every year of probation, as designated by the Board, which  
24 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
25 California and delivered to the Board or its designee no later than January 31 of each calendar  
26 year.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Raymond J. McMahon, Esq. I fully understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Medical Board of California.

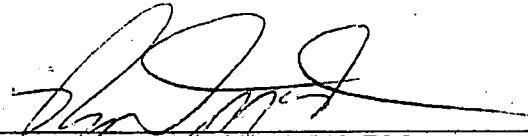
DATED: 02.25.19

 MD

SUBBARAYAN KRISHNAN, M.D.  
*Respondent*

I have read and fully discussed with Respondent Subbarayan Krishnan, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: Feb 25, 2019

  
RAYMOND J. MCMAHON, ESQ.  
*Attorney for Respondent*

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: February 25, 2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General



JASON J. AHN  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2016-021429**

1 XAVIER BECERRA  
Attorney General of California  
2 MATTHEW M. DAVIS  
Supervising Deputy Attorney General  
3 JASON J. AHN  
Deputy Attorney General  
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8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO JULY 24 2018  
BY: RENE G. ANALYST

10 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
11 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2016-021429

14 Subbarayan Krishnan, M.D.  
1031 E. Latham Ave., Ste. 3  
15 Hemet, CA 92543

ACCUSATION

16 Physician's and Surgeon's Certificate  
No. A 54481,

17 Respondent.

19  
20 Complainant alleges:

21 PARTIES

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs (Board).

25 2. On or about August 9, 1995, the Medical Board issued Physician's and Surgeon's  
26 Certificate Number A 54481 to Subbarayan Krishnan, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on May 31, 2019, unless renewed.



**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

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1        5.     Section 2234 of the Code states:

2        "The board shall take action against any licensee who is charged with unprofessional  
3        conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
4        limited to, the following:

5        "...

6        "(b) Gross negligence.

7        "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
8        omissions. An initial negligent act or omission followed by a separate and distinct departure from  
9        the applicable standard of care shall constitute repeated negligent acts.

10       "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
11       that negligent diagnosis of the patient shall constitute a single negligent act.

12       "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
13       constitutes the negligent act described in paragraph (1), including, but not limited to, a  
14       reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
15       applicable standard of care, each departure constitutes a separate and distinct breach of the  
16       standard of care.

17       "..."

18       6.     Section 2266 of the Code states:

19       "The failure of a physician and surgeon to maintain adequate and accurate records relating  
20       to the provision of services to their patients constitutes unprofessional conduct."

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1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 7. Respondent has subjected his Physician's and Surgeon's Certificate No. A54481 to  
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
5 the Code, in that he committed gross negligence in his care and treatment of Patient A<sup>1</sup>, as more  
6 particularly alleged hereinafter:

7 Patient A

8 8. On or about September 25, 2014, Patient A, a 77-year-old patient with dementia, was  
9 admitted to Desert Hills Memory Care Center (Desert Hills). Patient A became unable to visit her  
10 primary care physician at his office and thus, her husband requested Respondent to become her  
11 primary care physician and visit her at Desert Hills.

12 9. On or about December 7, 2015, Respondent received a fax from Patient A's nurse at  
13 Desert Hills stating that she had refused to take her medications. Respondent did not document  
14 his response to the nurse's fax. Respondent failed to assess and/or failed to document his  
15 assessment of Patient A's refusal to take her medications.

16 10. On or about December 10, 2015, for the first and only time, Respondent visited  
17 Patient A at Desert Hills and documented a progress note. However, Respondent failed to  
18 document that he had reviewed Patient A's previous medical records, prior to writing this  
19 progress note.

20 11. On or about January 7, 2016, Respondent received a fax from Patient A's nurse at  
21 Desert Hills stating that she had refused to take her medications. Respondent did not document  
22 his response to the nurse's fax. Respondent failed to assess and/or failed to document his  
23 assessment of Patient A's refusal to take her medications.

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27 <sup>1</sup> References to "Patient A" are used to protect patient privacy.

1 12. On or about January 13, 2016, Respondent received a fax from Patient A's nurse at  
2 Desert Hills stating that she had refused to take her medications. Respondent did not document  
3 his response to the nurse's fax. Respondent failed to assess and/or failed to document his  
4 assessment of Patient A's refusal to take her medications.

5 13. On or about January 21, 2016, Patient A exhibited an unsteady gait, lethargy, and  
6 foul-smelling urine. Patient A's nurse notified Respondent. Respondent ordered a urine dipstick,  
7 which was positive for nitrite, blood, and leukocytes.<sup>2</sup> Respondent did not document his plan for  
8 the assessment and treatment of the "large +++ blood" result of the dipstick. Respondent  
9 concluded that Patient A had a urinary tract infection and ordered a five-day course of antibiotic,  
10 ciprofloxacin.<sup>3</sup> Respondent failed to order a urine culture test and a urine sensitivity test.  
11 Respondent failed to adequately assess the causes of the presence of blood in Patient A's urine.

12 14. On or about January 25, 2016, Patient A went to lunch with her daughter, who noticed  
13 that Patient A had lost weight since the last time they saw each other and that Patient A ate  
14 poorly. When Patient A returned to Desert Hills, her weight was measured and showed that she  
15 had lost 10 pounds in the past month and 20 pounds since date of admission, approximately 4  
16 months ago.

17 15. On or about January 26, 2016, Respondent received a fax from Patient A's nurse at  
18 Desert Hills stating that she had refused to take her medications. Respondent did not document  
19 his response to the nurse's fax. Respondent failed to assess and/or failed to document his  
20 assessment of Patient A's refusal to take her medications.

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26 <sup>2</sup> Leukocyte is a colorless cell that circulates in the blood and body fluids and is involved  
in counteracting foreign substances and disease.

27 <sup>3</sup> Ciprofloxacin is an antibiotic that is used to treat bacterial infections.  
28

1        16. On or about January 28, 2016, Respondent ordered another urine dipstick, which was  
2 positive for blood and leukocytes, but negative for nitrites. After receiving these urine dipstick  
3 results, Respondent documented his response: "NO NEW TX." Respondent concluded that  
4 Patient A did not have a urinary tract infection because nitrite was no longer positive.  
5 Respondent did not document his plan for the assessment and treatment of the "large +++ blood"  
6 result of the dipstick. Respondent failed to order a urine culture test and a urine sensitivity test.  
7 Respondent failed to adequately assess the causes of the presence of blood in Patient A's urine.

8        17. On or about January 30, 2016 Patient A became unresponsive.

9        18. On or about January 31, 2016, Patient A was admitted to Loma Linda University  
10 Medical Center because she was dehydrated and in acute renal failure. Urine and blood cultures  
11 grew *Escherichia Coli* (extended spectrum beta lactamase positive)<sup>4</sup> that was resistant to  
12 ciprofloxacin.

13        19. On or about February 5, 2016, Patient A was diagnosed with a perforated colon<sup>5</sup> and  
14 expired on February 17, 2016.

15        20. Respondent committed gross negligence in his care and treatment of Patient A,  
16 which included, but was not limited to, the following:

17            (a) Respondent failed to order a urine culture test and a urine sensitivity test on  
18 January 21, 2016.

19            (b) Respondent failed to order a urine culture test and a urine sensitivity test on  
20 January 28, 2016.

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26        <sup>4</sup> *Escherichia coli*; aka, *E. Coli* are bacteria found in the environment, foods, and intestines  
of people and animals.

27        <sup>5</sup> Gastrointestinal perforation occurs when a hole forms all the way through the stomach,  
28 large bowel, or small intestine.



1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 24. Respondent has further subjected his Physician's and Surgeon's Certificate No.  
4 A54481 to disciplinary action under sections 2227 and 2234 of the Code, in that he has engaged  
5 in conduct which breaches the rules or ethical code of the medical profession, or conduct which is  
6 unbecoming to a member in good standing of the medical profession, and which demonstrates an  
7 unfitness to practice medicine, as more particularly alleged in paragraphs 7 through 23, above,  
8 which are hereby incorporated by reference as if fully set forth herein.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Medical Board of California issue a decision:

- 12 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 54481,  
13 issued to Subbarayan Krishnan, M.D.;
- 14 2. Revoking, suspending or denying approval of Subbarayan Krishnan, M.D.'s authority  
15 to supervise physician assistants and advanced practice nurses;
- 16 3. Ordering Subbarayan Krishnan, M.D., if placed on probation, to pay the Board the  
17 costs of probation monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: July 24, 2018

  
21 KIMBERLY KIRCHMEYER  
22 Executive Director  
23 Medical Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
27  
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